

ORDINANCE NO. 2248

AN ORDINANCE PROVIDING FOR THE DESCRIPTION AND SURVEY OF CERTAIN LANDS NECESSARY FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE PUBLIC INFRASTRUCTURE OWNED BY THE CITY OF GARDNER, KANSAS, IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; DECLARING IT TO BE A PUBLIC NECESSITY TO ACQUIRE SAID LAND BY CONDEMNATION FOR SUCH PURPOSE AND DIRECTING THE CITY ATTORNEY TO MAKE PROPER APPLICATION TO A JUDGE OF THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS FOR THE APPOINTMENT OF COMMISSIONERS TO APPRAISE SAID LAND AND TO CONDUCT CONDEMNATION PROCEEDINGS RELATIVE THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That the description in the survey of land necessary to be acquired by condemnation for the purpose of construction of certain improvements to the public infrastructure (sanitary sewer improvement) in the City of Gardner, Johnson County, Kansas as prepared and filed by the City Engineer with the City Clerk on the 4th day of September, 2007 pursuant to Resolution No. 1732, adopted and approved by the Governing Body of the City of Gardner, Kansas on the 4th day of September, 2007, is hereby approved.

SECTION TWO: That the action of the Governing Body of the City of Gardner, Kansas in acquiring said land for construction of certain improvements to the public infrastructure (sanitary sewer improvement) owned by the City of Gardner, Kansas has been declared necessary by the Governing Body of said City.

SECTION THREE: That the acquisition of the hereinafter described land is authorized by K.S.A. 26-201 and any actions amendatory or supplemental thereto.

SECTION FOUR: That there be and is hereby declared to be a public necessity to acquire by condemnation proceedings certain land for the construction of certain improvements as described in Section One of this Ordinance, the land hereinafter described, to-wit:

See attached Exhibit "A"

SECTION FIVE: That the City Attorney be, and he is hereby directed, authorized, and instructed to make proper application to a judge of the District Court of Johnson County, Kansas for the acquisition of the above described land praying for the condemnation thereof, and the appointment of Commissioners to assess, determine, and fix the damages resulting from such condemnation, and to take such other proceedings as may be required by law.

SECTION SIX: This Ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED and APPROVED this 5th day of November, 2007.

/s/ Carol Lehman
Carol Lehman, Mayor

ATTEST:
/s/ Teresa Anderson
Teresa Anderson, City Clerk